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| APPLICATION NO.                   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO.   |
|-----------------------------------|-------------|----------------------|---------------------|--------------------|
| 10/039,197                        | 01/04/2002  | Kirill O. Soshalsky  | SUNMP019            | 2020               |
| 25920                             | 7590        | 01/06/2006           | EXAMINER            |                    |
| MARTINE PENILLA & GENCARELLA, LLP |             |                      |                     | YIGDALL, MICHAEL J |
| 710 LAKEWAY DRIVE                 |             |                      |                     |                    |
| SUITE 200                         |             |                      |                     |                    |
| SUNNYVALE, CA 94085               |             |                      |                     |                    |
|                                   |             |                      |                     | ART UNIT           |
|                                   |             |                      |                     | PAPER NUMBER       |
|                                   |             |                      |                     | 2192               |

DATE MAILED: 01/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                    |                  |  |
|------------------------------|--------------------|------------------|--|
| <b>Office Action Summary</b> | Application No.    | Applicant(s)     |  |
|                              | 10/039,197         | SOSHALSKY ET AL. |  |
|                              | Examiner           | Art Unit         |  |
|                              | Michael J. Yigdall | 2192             |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 06 October 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-20 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 8, 2005 has been entered. Claims 1-20 are pending.

### ***Response to Arguments***

2. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,473,894 to Shrader et al. (art of record, "Shrader") in view of U.S. Pub. No. 2002/0107680 to Duggan et al. ("Duggan").

With respect to claim 1 (currently amended), Shrader discloses an application launcher testing system (see, for example, the abstract), comprising:

- (a) a Hypertext Transfer Protocol (HTTP) server in communication with an application launcher, wherein the HTTP server receives a query for a test application from the application launcher (see, for example, column 4, lines 53-58, which shows an HTTP server and a browser, wherein the HTTP server receives a query from the browser, and see, for example, column 5, lines 15-21, which shows that the browser is an application launcher for querying the server for a test applet or test application);
- (b) a status server in communication with the test application, the status server receiving a test status from the test application (see, for example, column 5, lines 43-52, which shows a DynamicAppletTest class that is a status server for receiving status information or a test status from the test applet or test application); and
- (c) a test monitor in communication with the HTTP server and the status server, wherein the test monitor receives a query status from the HTTP server, and wherein the test monitor receives the test status from the status server (see, for example, test/run program 202 in FIG. 2A and column 5, lines 43-57, which shows that the test/run program is a test monitor for receiving the test status from the DynamicAppletTest class or status server, and see, for example, column 6, lines 42-47, which shows that the test/run program receives a query status from the HTTP server, such as error and status messages from the browser for the current URL).

Shrader does not expressly disclose that the test monitor determines if the application launcher has sent a correct query to the HTTP server.

However, in an analogous art, Duggan discloses determining whether a request sent to an HTTP server is valid, which is to say determining whether a query sent to an HTTP server is correct, so as to report an error when the request is invalid or incorrect (see, for example, paragraph 0023, lines 6-13).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to supplement the test/run program or test monitor of Shrader to determine if the browser or application launcher has sent a correct query to the HTTP server, as Duggan teaches, so that the error and status messages of Shrader (see, for example, column 6, lines 42-47) could report such information.

With respect to claim 2 (original), Shrader further discloses the limitation wherein the application launcher launches the test application based on a response to the query from the HTTP server (see, for example, column 5, lines 15-21, which shows that the browser or application launcher launches the test applet or test application based on a response from the HTTP server).

With respect to claim 3 (original), Shrader further discloses the limitation wherein the application launcher exits after launching the test application (see, for example, steps 402 and 410 in FIG. 4, and column 8, lines 27-29 and 42-45, which shows that the browser or application launcher exits after launching the test applet or test application).

With respect to claim 4 (original), Shrader further discloses the limitation wherein the test monitor receives an exit code from the application launcher, the exit code indicating a launch status of the test application launch (see, for example, step 408 in FIG. 4 and column 8, lines 36-

39, which shows receiving a marker file indicating a completed launch status, and see, for example, column 5, lines 55-57, which shows that the marker file is an exit code).

With respect to claim 5 (original), Shrader further discloses the limitation wherein the test monitor combines the query status, the test status, and the launch status into a report (see, for example, column 8, lines 30-39, which shows combining the test status and query status into an output file or report, and see, for example, column 7, lines 43-46, which shows writing to the output file or report based on the launch status).

With respect to claim 6 (original), Shrader further discloses the limitation wherein the query status indicates the status of the query received from the application launcher (see, for example, column 6, lines 42-47, which shows that the query status indicates the status from the browser or application launcher).

With respect to claim 7 (original), Shrader further discloses the limitation wherein the test monitor starts the status server and the application launcher (see, for example, column 4, lines 53-58, which shows that the test/run program or test monitor starts the browser or application launcher, and column 5, lines 43-52, which shows that this starts the DynamicAppletTest class or status server).

With respect to claim 8 (original), Shrader further discloses the limitation wherein the test monitor starts the HTTP server (see, for example, column 4, lines 53-58, which shows that the test/run program or test monitor starts the HTTP server by way of the browser or application launcher to query the HTTP server).

With respect to claim 9 (currently amended), Shrader discloses a method for testing an application launcher (see, for example, the abstract), comprising the operations of:

(a) launching a Hypertext Transfer Protocol (HTTP) server, a status server and an application launcher, wherein application launcher queries the HTTP server for a test application (see, for example, column 4, lines 53-58, which shows launching a browser to launch an HTTP server with a query, and column 5, lines 15-21, which shows that the browser is an application launcher for querying the server for a test applet or test application, and see, for example, column 5, lines 43-52, which shows launching a DynamicAppletTest class that is a status server);

(b) launching the test application using the application launcher (see, for example, column 5, lines 15-21, which shows launching the test applet or test application with the browser or application launcher);

(c) returning a test status from the test application to the status server (see, for example, column 5, lines 43-52, which shows returning status information or a test status from the test applet or test application to the DynamicAppletTest class or status server);

(d) returning the test status, a query status, and a launch status to a test monitor (see, for example, test/run program 202 in FIG. 2 and column 5, lines 43-57, which shows that the test/run program is a test monitor to which the test status is returned, and see, for example, column 6, lines 42-47, which shows returning a query status to the test/run program, such as error and status messages from the browser for the current URL, and step 408 in FIG. 4 and column 8, lines 36-39, which shows returning a marker file indicating a completed launch status).

Shrader does not expressly disclose:

(e) determining correctness of the application launcher queries to the HTTP server.

However, in an analogous art, Duggan discloses determining whether a request sent to an HTTP server is valid, which is to say determining correctness of a query sent to an HTTP server, so as to report an error when the request is invalid or incorrect (see, for example, paragraph 0023, lines 6-13).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to supplement the method of Shrader to determine correctness of the browser or application launcher queries to the HTTP server, as Duggan teaches, so that the error and status messages of Shrader (see, for example, column 6, lines 42-47) could report such information.

With respect to claim 10 (original), the limitations recited in the claim are analogous to the limitations recited in claim 5 (see the rejection of claim 5 above).

With respect to claim 11 (original), the limitations recited in the claim are analogous to the limitations recited in claim 6 (see the rejection of claim 6 above).

With respect to claim 12 (original), Shrader further discloses the limitation wherein the test status indicates a status of tests performed by the test application (see, for example, column 5, lines 43-52, which shows that the status information or test status indicates the status from the test applet or test application as it operates).

With respect to claim 13 (original), Shrader further discloses the limitation wherein the launch status indicates a status of the application launch operation (see, for example, step 408 in FIG. 4 and column 8, lines 36-39, which shows that the launch status indicates the status of the application launch when complete).

With respect to claim 14 (original), Shrader further discloses the limitation wherein the application launcher uses a uniform resource locator (URL) to launch the test application (see, for example, column 5, lines 15-21, which shows that the browser or application launcher uses a URL to launch the test applet or test application).

With respect to claim 15 (original), the limitations recited in the claim are analogous to the limitations recited in claim 3 (see the rejection of claim 3 above).

With respect to claim 16 (original), the limitations recited in the claim are analogous to the limitations recited in claim 4 (see the rejection of claim 4 above).

With respect to claim 17 (currently amended), Shrader discloses an application launcher testing system (see, for example, the abstract), comprising:

(a) a Hypertext Transfer Protocol (HTTP) server in communication with an application launcher, wherein the HTTP server receives a query for a test application from the application launcher (see, for example, column 4, lines 53-58, which shows an HTTP server and a browser, wherein the HTTP server receives a query from the browser, and see, for example, column 5, lines 15-21, which shows that the browser is an application launcher for querying the server for a test applet or test application), and wherein the application launcher launches the test application based on a response to the query from the HTTP server (see, for example, column 5, lines 15-21, which shows that the browser or application launcher launches the test applet or test application based on a response from the HTTP server);

(b) a status server in communication with the test application, the status server receiving a test status from the test application (see, for example, column 5, lines 43-52, which shows a DynamicAppletTest class that is a status server for receiving status information or a test status from the test applet or test application); and

(c) a test monitor in communication with the HTTP server and the status server, wherein the test monitor receives a query status from the HTTP server, the test status from the status server (see, for example, test/run program 202 in FIG. 2A and column 5, lines 43-57, which shows that the test/run program is a test monitor for receiving the test status from the DynamicAppletTest class or status server, and see, for example, column 6, lines 42-47, which shows that the test/run program receives a query status from the HTTP server, such as error and status messages from the browser for the current URL), and an exit code from the application launcher, the exit code indicating a launch status of the test application launch (see, for example, step 408 in FIG. 4 and column 8, lines 36-39, which shows receiving a marker file indicating a completed launch status, and see, for example, column 5, lines 55-57, which shows that the marker file is an exit code), and wherein the test monitor combines the query status, the test status, and the launch status into a report (see, for example, column 8, lines 30-39, which shows combining the test status and query status into an output file or report, and see, for example, column 7, lines 43-46, which shows writing to the output file or report based on the launch status).

Shrader does not expressly disclose that the test monitor determines correctness of the query for the test application from the application launcher to the HTTP server.

However, in an analogous art, Duggan discloses determining whether a request sent to an HTTP server is valid, which is to say determining correctness of a query sent to an HTTP server, so as to report an error when the request is invalid or incorrect (see, for example, paragraph 0023, lines 6-13).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to supplement the test/run program or test monitor of Shrader to determine correctness of the query for the test applet or test application from the browser or application launcher to the HTTP server, as Duggan teaches, so that the error and status messages of Shrader (see, for example, column 6, lines 42-47) could report such information.

With respect to claim 18 (original), the limitations recited in the claim are analogous to the limitations recited in claim 6 (see the rejection of claim 6 above).

With respect to claim 19 (original), the limitations recited in the claim are analogous to the limitations recited in claim 7 (see the rejection of claim 7 above).

With respect to claim 20 (original), the limitations recited in the claim are analogous to the limitations recited in claim 8 (see the rejection of claim 8 above).

### *Conclusion*

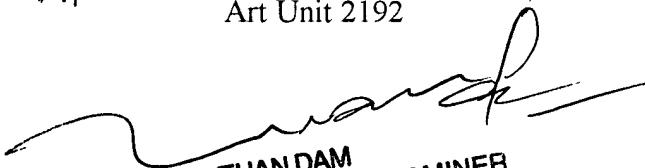
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Yigdall whose telephone number is (571) 272-3707. The examiner can normally be reached on Monday through Friday from 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael J. Yigdall  
Examiner  
Art Unit 2192

mjy

  
TUAN DAM  
SUPERVISORY PATENT EXAMINER